

**JAMIE BUTLER**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

**ORIGINAL**

CHRISTOPHER B. EILAND, DVM, MS,  
Plaintiff,

CIVIL ACTION

VS. FILE NO. 2005-CV-459-VPM

DR. BYRON L. BLAGBURN, individually  
and in his official capacity; DR. CHARLES  
HENDRIX, individually and in his official  
capacity; DR. JOSEPH JANICKI, individually  
and in his official capacity; DR. STEPHEN  
MCFARLAND, individually and in his official  
capacity; DR. ED RICHARDSON, in his official  
capacity as President of Auburn University;  
and DR. LAUREN WOLFE, individually and in his  
official capacity,

Defendants.

\* \* \* \* \*

DEPOSITION OF JAMIE BUTLER, taken on  
behalf of the Plaintiff, pursuant to the  
stipulations set forth herein, before Kimberly B.  
Faucette, Certified Court Reporter and Notary  
Public, at Samford Hall, Auburn University,  
Auburn, Alabama, commencing at approximately 9:00  
a.m., Monday, July 24th, 2006.

1 A Twelve years.

2 Q What is your current position?

3 A It is a Research Assistant IV.

4 Q What does a Research Assistant IV do? What  
5 are your responsibilities?

6 A My responsibilities are in the parasitology  
7 lab out at the College of Veterinary  
8 Medicine. I coordinate the research that is  
9 conducted in the parasitology lab as far as  
10 scheduling, planning activities, along those  
11 lines, supervising the student employees,  
12 that sort of thing. I do oversee the  
13 diagnostic part of the laboratory, which  
14 would include anything that comes in, as far  
15 as samples to be analyzed for the clinics at  
16 the vet school, as well as anything that  
17 comes in from the outside.

18 I do have responsibilities to the  
19 teaching aspect of our lab, as far as the  
20 laboratory prep and that type thing.

21 Q Do you know Chris Eiland?

22 A Yes.

23 Q Was Chris Eiland a graduate assistant,

1 What unit is she in?

2 A I think hers falls under the pathology  
3 department, more of the clinical pathology  
4 -- not clinical pathology, but more -- I am  
5 trying to think. She conducts the  
6 necropsies and that sort of thing.

7 I'm not sure of her area of  
8 research or what she is working on.

9 Q How often would you see Brandi Brunson  
10 during the time that Chris Eiland was a  
11 graduate research assistant?

12 A I am friends with her, so I probably see her  
13 more often and stop by to say hello, a  
14 social type of thing.

15 Q When you say you are "friends" with her, you  
16 are friends socially with her, outside of  
17 the Auburn setting?

18 A Yes.

19 Q Do you visit in her home?

20 A Yes.

21 Q And she visits in your home?

22 A Yes.

23 Q How long have you been friends?

1 A I have known her since she was here as a  
2 student, but we became friends once she  
3 started her residency.

4 Q When was that?

5 A I'm not exactly sure. Probably three to  
6 five years ago.

7 Q Would you say that she is one of your best  
8 friends?

9 A I would classify us as close friends.

10 Q Who else might have been in the lab at  
11 the same time that you would be there and  
12 Chris Eiland would be there during the  
13 time that he was a graduate research  
14 assistant?

15 A And when you are referring to "graduate  
16 research assistant," you are referring to  
17 the time that he was transitioning from  
18 being a Master's student to a Ph.D.  
19 candidate; am I understanding that  
20 correctly?

21 Q That's right.

22 A There were several student assistants  
23 working in the lab at that time. I would

1 have to go back and look and see exactly who  
2 those were. Traci Land, who is also a  
3 technician in our laboratory; Doctor Jenny  
4 Spencer; and, of course, Doctor Blagburn and  
5 Doctor Hendrix.

6 Q How often would Doctor Hendrix be in the  
7 lab?

8 A He usually comes by the lab almost every  
9 day.

10 Q And what is the purpose of him coming by the  
11 lab?

12 A He usually checks in. Occasionally, I ask  
13 his input on some clinical cases and that  
14 kind of thing. We have teaching activities  
15 to discuss. So he tends to check in to make  
16 sure everything is running smoothly.

17 Q How often would Doctor Blagburn come in the  
18 lab?

19 A Probably several times a day. It depends on  
20 the workload and what is going on in the  
21 laboratory. That tends to vary.

22 Q And what is Doctor Jenny Spencer's  
23 responsibilities?

1 Q During the time that Chris Eiland was  
2 transitioning from his Master's to Ph.D. --  
3 and I think that would be like from August  
4 to September of 2003, that time frame.

5 A Right.

6 Q -- in a normal week, about how many hours  
7 would you see him in the lab that the two of  
8 you would be there together?

9 A Probably -- see, during that time, he had  
10 completed most of his work on his Master's,  
11 which required him to be in the lab. He did  
12 some of his work at the Humane Society and  
13 then would come back to the lab to do hearts  
14 or whatever he needed to do for that part of  
15 the project.

16 Probably -- I don't really  
17 remember exactly how long. Probably no more  
18 than a couple of hours a day that we were  
19 actually in the same room, especially once  
20 Chris was moved over to Room 153.

21 He was in the room next door. I  
22 am not sure exactly when he was there. It  
23 does have a separate entrance and is a

1 separate laboratory.

2 Q When was he moved to 153?

3 A That would have probably been after that  
4 weekend in August, as I am checking this,  
5 23rd or 24th, at some point after that,  
6 after I made Doctor Blagburn aware of the  
7 events of that weekend.

8 Q Would that have been the Labor Day  
9 weekend?

10 A No. That was not Labor Day weekend.  
11 August 22nd would have been the Friday, and  
12 then Sunday would have been the 24th.

13 So, at some point during the week  
14 after that, after Doctor Blagburn and I  
15 discussed that he felt it would be better  
16 for Chris to be in 153. So we made some  
17 arrangements.

18 Q After he was moved to Room 153, you did not  
19 see him as often?

20 A Probably I hadn't seen Chris often as it  
21 was. It wasn't like he was in the  
22 laboratory every day. Up to that point, he  
23 was working sort of on his own. He didn't



1 he had pulled in behind her at the apartment  
2 complex when she arrived home.

3 At some point later in the evening  
4 -- it wasn't after work or anything. It was  
5 late at night. I am not sure exactly what  
6 happened at that point. Either her  
7 boyfriend was with her or she called her  
8 boyfriend. There was a confrontation with  
9 her boyfriend in the parking lot of her  
10 apartment complex. And that was the event  
11 that triggered her to tell me about the  
12 previous events.

13 Q What sort of things did he leave at her  
14 car?

15 A I believe flowers, drinks, cards, that type  
16 thing.

17 Q Did Courtney ever report this to anybody  
18 other than you?

19 A After she made me aware of this, I knew  
20 Doctor Blagburn would want to speak to her  
21 about that. So, they did speak about what  
22 had gone on.

23 Q Do you know how long this had been going

1 room to do their work most of the time.

2 So, Chris had come in there. She  
3 was in the lab alone that day working. He  
4 came in there asking her questions and  
5 talking to her, and she felt harassed and  
6 bothered by that. Of course, I just kind of  
7 facilitated her talking to Doctor Blagburn,  
8 you know, you need to be aware of this, sort  
9 of thing.

10 Q So, the second and third time were both  
11 regarding Courtney?

12 A Yes, probably.

13 Q Were you in the lab when Doctor Eiland was  
14 talking to Courtney this time?

15 A No, I was not.

16 Q Do you know who was?

17 A She was there alone.

18 Q What time of day was it?

19 A I'm not sure.

20 Q Well, it would have been after 5:00?

21 A It was either before I arrived in the  
22 morning, after 5:00. I don't think it was  
23 on a weekend. But she was the first person

1 to arrive in the morning or she was the last  
2 person, or lunchtime.

3 There is several times when  
4 students can be in the laboratory alone. It  
5 was during one of those times. I don't  
6 recall when exactly it was.

7 Q You said you reported three or four times to  
8 Doctor Blagburn during that August 2003 to  
9 December, and we are at Number 3. What is  
10 the next time?

11 A It may have been only three. There may have  
12 been some things in the middle. I don't  
13 really recall. Those were three events that  
14 I know for sure that I reported to Doctor  
15 Blagburn. There may have been a couple of  
16 other times that he simply said, Is  
17 everything going okay? And I said, well,  
18 something minor perhaps.

19 Q What would you consider minor that you may  
20 have spoken to Doctor Blagburn about?

21 A When Chris was moved to 153, he rearranged  
22 all of those cabinets over there.

23 We tend to have supplies that

1 MR. KNIGHT: Object to the  
2 form.

3 A I don't know if I would have -- We don't  
4 have the authority to get rid of Chris. We  
5 are not Chris's supervisor.

6 Q Who was Chris's supervisor?

7 A Doctor Blagburn.

8 Q And you were reporting complaints to Chris's  
9 supervisor?

10 A Yes.

11 Q Did you have a problem referring to Chris  
12 Eiland as Doctor Eiland?

13 A I had known Chris for a long time. I refer  
14 to a lot of the students who get DVMS, I  
15 usually call them by their first names,  
16 because I have known them that way all the  
17 time.

18 If we were in the teaching  
19 laboratory with veterinary students, I  
20 usually tried to refer to him as Doctor  
21 Eiland, because at that point he was  
22 assisting with the teaching laboratory.

23 Normally, probably, in the lab, I

1 Q It is Byron?

2 A Yes. But Doctor Blagburn is my supervisor.

3 I do work for him and have not known --

4 Q It is a different relationship?

5 A Exactly.

6 Q Have you told me all of the complaints that  
7 you remember reporting to Doctor Blagburn  
8 regarding Chris Eiland?

9 A Yes.

10 Q Were you trying to get rid of him?

11 A No.

12 MS. DICKEY: And if we could,  
13 I would like for this to  
14 be admitted as  
15 Plaintiff's Exhibit 1.  
16 (At which time, the referred-  
17 to document was marked as  
18 Plaintiff's Exhibit No. 1 by  
19 the Reporter.)

20 MS. DICKEY: Give me one  
21 minute. I think I am  
22 finished, but let me  
23 consult with my law

1 REDIRECT EXAMINATION

2 BY MS. DICKEY:

3 Q Well, now I am more confused. There is a  
4 big difference between December 2003 and the  
5 summer of 2004.

6 Can you narrow it down a little  
7 bit more when you prepared that document?

8 A I really -- it would not have -- I probably  
9 did not type it up in that format until  
10 after Chris left the lab. So that would  
11 have been in November or December sometime.  
12 It would have been at the very earliest  
13 January and at the very latest, the date of  
14 the cover letter I gave to Doctor Blagburn.

15 Q And what is the date on that?

16 A I don't have that here with me, so I don't  
17 know.

18 Q Do you still have that cover letter?

19 A I'm not sure. It could be on my computer,  
20 but I am not really sure.

21 Q What did Doctor Blagburn say he needed it  
22 for?

23 A I believe it was at the time Chris had

1 started making some complaints to the  
2 University, and Doctor Blagburn said he was  
3 going to need some documentation.

4 Again, these were handwritten  
5 notes I had already sort of made during  
6 these activities, and I referred to those or  
7 simply typed them up in a format that was  
8 readable.

9 MS. DICKEY: All right. Thank  
10 you. I have no other  
11 questions.

12 (Deposition concluded at  
13 approximately 10:00 a.m.)

14  
15 \* \* \* \* \*

16 FURTHER DEPONENT SAITH NOT  
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18  
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21  
22  
23

## 1 R E P O R T E R ' S C E R T I F I C A T E

2 STATE OF ALABAMA)

3 MONTGOMERY COUNTY)

4 I, Kimberly B. Faucette, Certified  
5 Court Reporter and Notary Public in and for the  
6 State of Alabama at Large, do hereby certify on  
7 Monday, July 24th, 2006, that pursuant to notice  
8 and stipulation on behalf of the Plaintiff, I  
9 reported the deposition of JAMIE BUTLER, who was  
10 first duly sworn by me to speak the truth, the  
11 whole truth, and nothing but the truth, in the  
12 matter of CHRISTOPHER B. EILAND, DVM, MS,  
13 Plaintiff, versus DR. BYRON L. BLAGBURN,  
14 individually and in his official capacity;  
15 DR. CHARLES HENDRIX, individually and in  
16 His official capacity; DR. JOSEPH JANICKI,  
17 individually and in his official capacity; DR.  
18 STEPHEN McFARLAND, individually and in his  
19 official capacity; DR. ED RICHARDSON, in his  
20 official capacity as President of Auburn  
21 University; and DR. LAUREN WOLFE, individually  
22 and in his official capacity, Defendants, Civil  
23 Action No. CV-459-VPM, now pending in the United



1 States District Court for the Middle District,  
2 Eastern Division of Alabama; that the  
3 foregoing colloquies, statements, questions and  
4 answers thereto were reduced to 44 typewritten  
5 pages under my direction and supervision; that  
6 the deposition is a true and accurate  
7 Transcription of the testimony/evidence of the  
8 examination of said witness by counsel for the  
9 parties set out herein; that the reading and  
10 signing of said deposition was waived by witness  
11 and counsel for the parties.

12 I further certify that I am neither of  
13 relative, employee, attorney or counsel of any  
14 of the parties, nor am I a relative or employee  
15 of such attorney or counsel, nor am I financially  
16 interested in the results thereof. All rates  
17 charged are usual and customary.

18 This the 28th day of July, 2006.

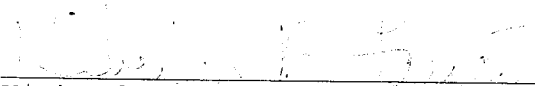
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Kimberly B. Faucette  
Certified Court Reporter and  
Notary Public  
State of Alabama at Large  
AL-CSR-440